

ADDENDUM TO THE NORTH SAN JOSE DEVELOPMENT POLICIES UPDATE FINAL ENVIRONMENTAL IMPACT REPORT (SCH # 2004102067); AND THE ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL ENVIRONMENTAL IMPACT REPORT, SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT, AND ADDENDA THERETO (SCH# 2009072096)

Pursuant to Section 15164 of the CEQA Guidelines, the City of San Jose has prepared an Addendum to the North San Jose Development Policies Update Final Environmental Impact Report, and the Envision San Jose 2040 General Plan Final Environmental Impact Report (General Plan FEIR), Supplemental Program Environmental Impact Report (General Plan SEIR) for the Envision San José 2040 General Plan, and addenda thereto; because minor changes made to the project, as described below, do not raise any new or more significant environmental impact compared to what was previously disclosed in the 2013 Addendum.

HA13-040-02- Site Development Permit Amendment to allow the construction of two 8-story office buildings and one 4-story office building totaling 611,535 square feet, and one 8-story parking garage with associated site improvements on a 16.75-gross acre site.

Location: The project site is located on the westerly of Bering Drive between East Brokaw Road and Crane Court.

Assessor's Parcel Number: 237-16-072

Council District: 3.

The environmental impacts of this project were addressed by the following Final Environmental Impact Reports: "North San Jose Development Policies Update EIR" adopted by City Council Resolution No. 72768 on June 21, 2005, "Envision San José 2040 General Plan Final EIR," adopted by City Council Resolution No. 76041 on November 1, 2011; Supplemental Program EIR entitled, "Envision San José 2040 General Plan Supplemental EIR," adopted by City Council Resolution No. 77617 on December 15, 2015, and addenda thereto.

The proposed project is eligible for an addendum pursuant to CEQA Guidelines §15164, which states that "A lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in CEQA Guidelines §15162 calling for preparation of a subsequent EIR have occurred." Circumstances which would warrant a subsequent EIR include substantial changes in the project or new information of substantial importance which would require major revisions of the previous EIR due to the occurrence of new significant impacts and/or a substantial increase in the severity of previously identified significant effects.

The following impacts were reviewed and found to be adequately considered by the EIRs cited above:

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|--|---|--|
| <input checked="" type="checkbox"/> Aesthetics | <input checked="" type="checkbox"/> Agriculture Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology and Soils |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazardous Materials | <input checked="" type="checkbox"/> Hydrology & Water Quality |
| <input checked="" type="checkbox"/> Land Use | <input checked="" type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise |
| <input checked="" type="checkbox"/> Population and Housing | <input checked="" type="checkbox"/> Public Services | <input checked="" type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Transportation/Traffic | <input checked="" type="checkbox"/> Utilities & Service Systems | <input checked="" type="checkbox"/> Energy |
| <input checked="" type="checkbox"/> Growth Inducing | <input checked="" type="checkbox"/> Cumulative Impacts | <input checked="" type="checkbox"/> Mandatory Findings of Sig. |

ANALYSIS

See Attached.

Sanhita Ghosal
Environmental Project Manager

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

Date

10/29/18

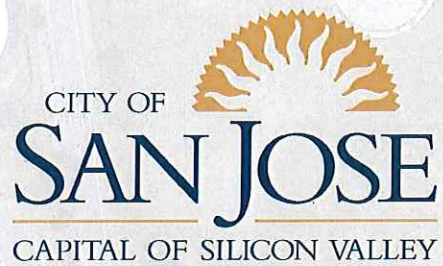
Deputy

SBucalsh

Addendum

North First and Brokaw Corporate Campus - Building B, C, and D

Prepared by



In Consultation with



October 2018

**Addendum to the Final Environmental Impact Report for the North
San José Development Policies Update
(SCH# 2004102067)
and the Final Program Environmental Impact Report
for the Envision San José 2040 General Plan
(SCH# 2009072096)**

October 2018

SECTION 1.0 INTRODUCTION

1.1 BACKGROUND INFORMATION

In 2013, the City of San José prepared an Addendum to the Final Program Environmental Impact Report (EIR) for the North San José Development Policies Update (SCH# 2004102067) and the Final Program EIR for the Envision San José 2040 General Plan (SCH# 200972096) for a project consisting of approximately 2,025,000 square feet office space on a, approximately 31-acre site in North San José (the North First and Brokaw Corporate Campus; City File no. H13-040). The North First and Brokaw Corporate Campus site is bounded by North First Street, Brokaw Road, Bering Drive, Crane Court, and US 101 in North San Jose. The site consists of two parcels adjoining each other and a third parcel separated from the rest of the site by the northbound U.S. 101 off-ramp to Brokaw Road.

The North First and Brokaw Corporate Campus site is designated *Transit Employment Center* by the Envision San José 2040 General Plan Land Use/Transportation Diagram. This designation is applied to areas planned for intensive job growth because of their importance as employment districts to the City and high degree of access to transit and other facilities and services. This designation allows development densities of up to a FAR of 12.0 in 4 to 25 stories. The site is zoned *TEC – Transit Employment Center*. The TEC zoning district is intended for intensive industrial park and supportive commercial uses with development generally at least four stories in height.

This approved project pursuant to Site Development Permit File no. H13-040 proposed to construct up to ten (10), seven (7)-story office buildings, totaling 2,025,350 square feet (s.f.) with a floor area ratio (FAR) of approximately 1.5, an activity center and playfields, and two levels of below-grade parking over the entire area of the site. The project proposed an activity/sport center at the first floor and two below grade levels in the center of the site that would include a café, pool, basketball/volleyball courts, play fields, exercise and weight rooms, a lounge and locker rooms. The approved project proposed buildings on site up to 116 feet in height, including mechanical equipment. Plans and permits for this project can be accessed through City of San Jose's online permit website www.sjpermits.org by searching with the project file no. H13-040.

In 2016, a Site Development Permit Amendment (File no. HA13-040-01) was issued to allow the construction of a 116,800-square foot office/Research & Development building and a three-story parking garage with associated site improvements on a 3.29-gross acre site located on the third parcel

noted above at North First Street and Brokaw Road. The construction of this building has been completed. A vacant commercial building (Bay 101 Casino) located on the eastern side of the site was demolished in 2017 pursuant to this permit. The remainder of the site has not been developed.

1.2 PURPOSE OF ADDENDUM

The current project is for the development of a 16.75 acre portion of the larger site, with two eight-story office buildings and one four-story office building, totaling 611,535 s.f. with an eight-level parking garage, with a recreational area located above the 8th floor of the garage. The height of the proposed building will be up to 134 including mechanical equipment.

The purpose of this addendum is to document any changes to the approved 2013 project and evaluate whether the changes would result in a new or more significant environmental impact compared to what was previously disclosed in the 2013 Addendum. The 2013 Addendum is available at <http://www.sanjoseca.gov/index.aspx?NID=4957> ...

The revised project qualifies for an addendum pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15164, which states that “A lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR have occurred.” Circumstances which would warrant a subsequent EIR include substantial changes in the project or new information of substantial importance which would require major revisions of the previous EIR due to the occurrence of new significant impacts and/or a substantial increase in the severity of previously identified significant effects.

Given the revised project description and conditions of the project site, site-specific environmental review, and environmental review prepared for the 2013 Addendum referenced above, the City has concluded that the revised project would not result in any new impacts not previously disclosed in the 2005 North San José Development Policies Update Final Program EIR and the site-specific 2013 Addendum; nor would it result in a substantial increase in the magnitude of any significant environmental impact previously identified in the Addendum. For these reasons, a supplemental or subsequent EIR is not required and an addendum to the Final EIR for the North San José Development Policies Update and the Final Program EIR for the Envision San José 2040 General Plan, and Addenda thereto, has been prepared for the revised project.

This Addendum, which is to be considered together with the 2013 Addendum prepared for the site, will not be formally circulated for public review, but will be attached to the Integrated Final EIR, pursuant to CEQA Guidelines Section 15164(c). All documents referenced in this amendment are available for public review in the Department of Planning, Building, and Code Enforcement at San José City Hall, 200 East Santa Clara Street, during normal business hours.

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

North First and Brokaw Corporate Campus – Buildings B, C, and D

2.2 LEAD AGENCY CONTACT

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City of San José
Department of Planning, Building, and Code Enforcement
200 East Santa Clara Street, Third Floor
San José, CA 95113

2.3 PROJECT APPLICANT

John Arrillaga
Peery-Arrillaga
2450 Watson Court
Palo Alto, CA 94303

2.4 PROJECT LOCATION

The North First and Brokaw Corporate Campus is located on a 30.84-acre site bounded by North First Street, Brokaw Road, Bering Drive, Crane Court, and US 101 in North San Jose. Buildings B, C, and D will be constructed on a 16.75-acre portion of the site, located on the southeast corner of Brokaw Road and Bering Drive.

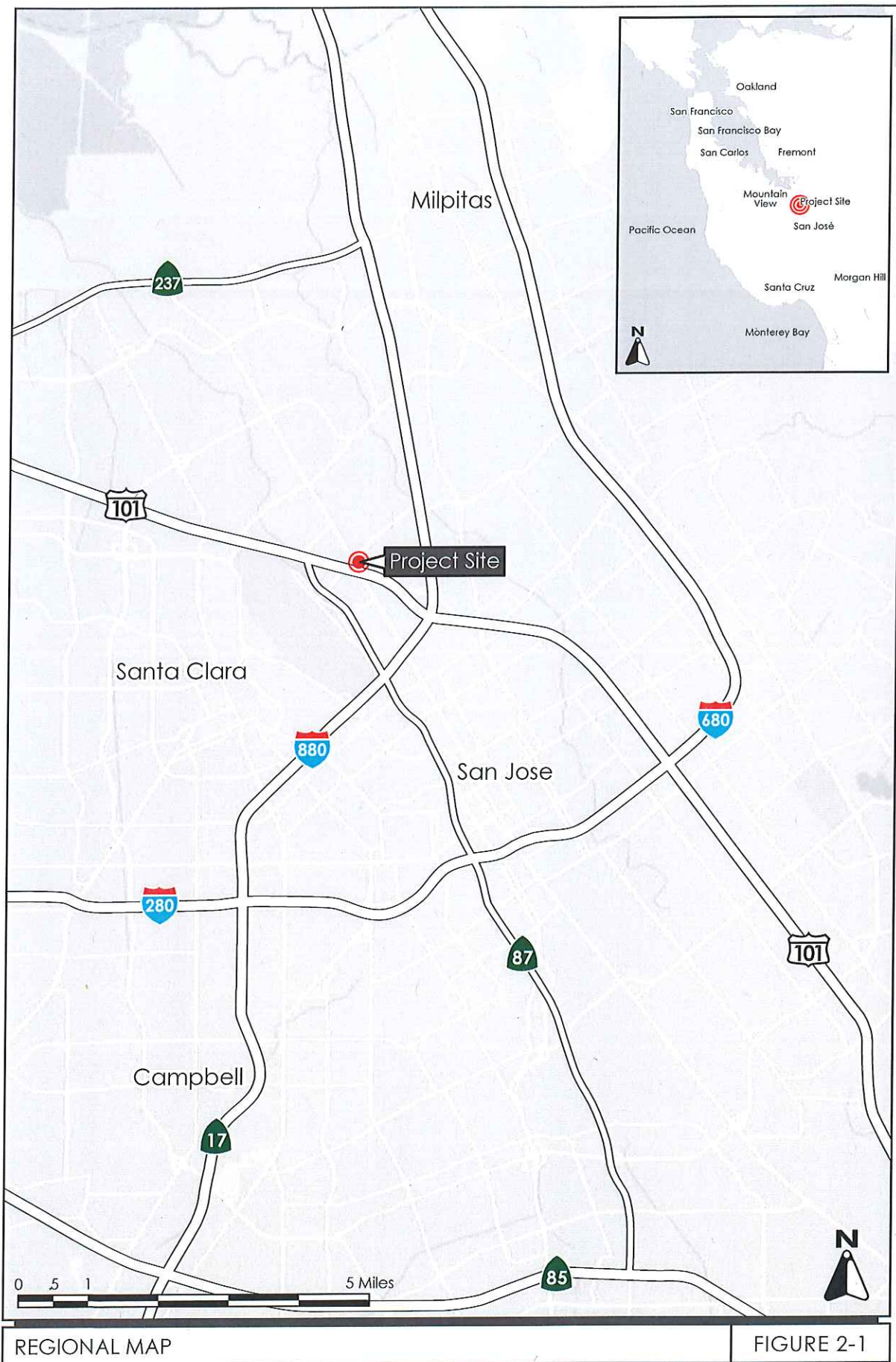
Regional and vicinity maps of the project site are shown on Figure 2-1 and 2-2, respectively, and an aerial photograph shows surrounding uses on Figure 2-3.

2.5 ASSESSOR'S PARCEL NUMBER

237-16-072

2.6 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

- Site Development Permit Amendment
- Grading Permit



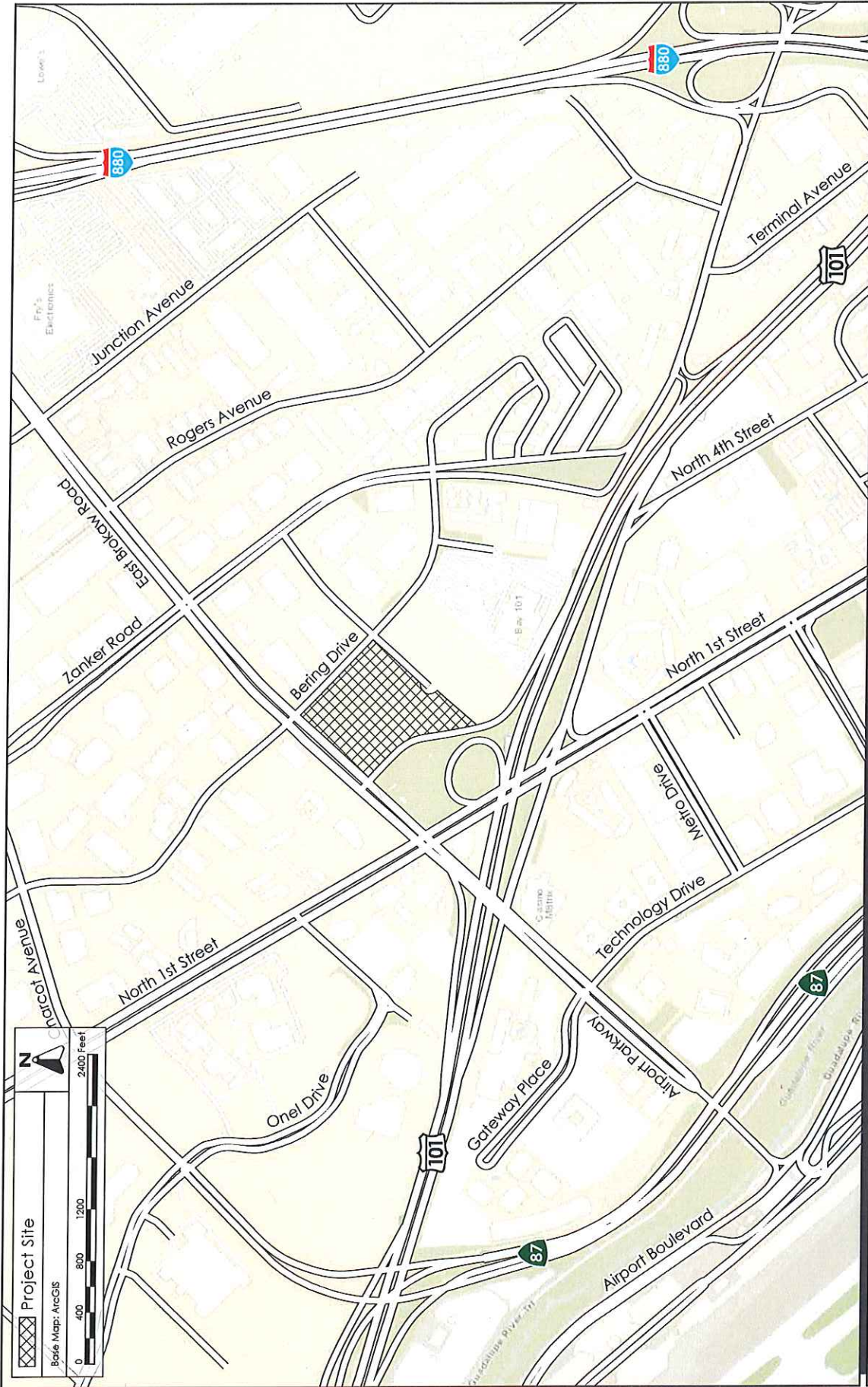
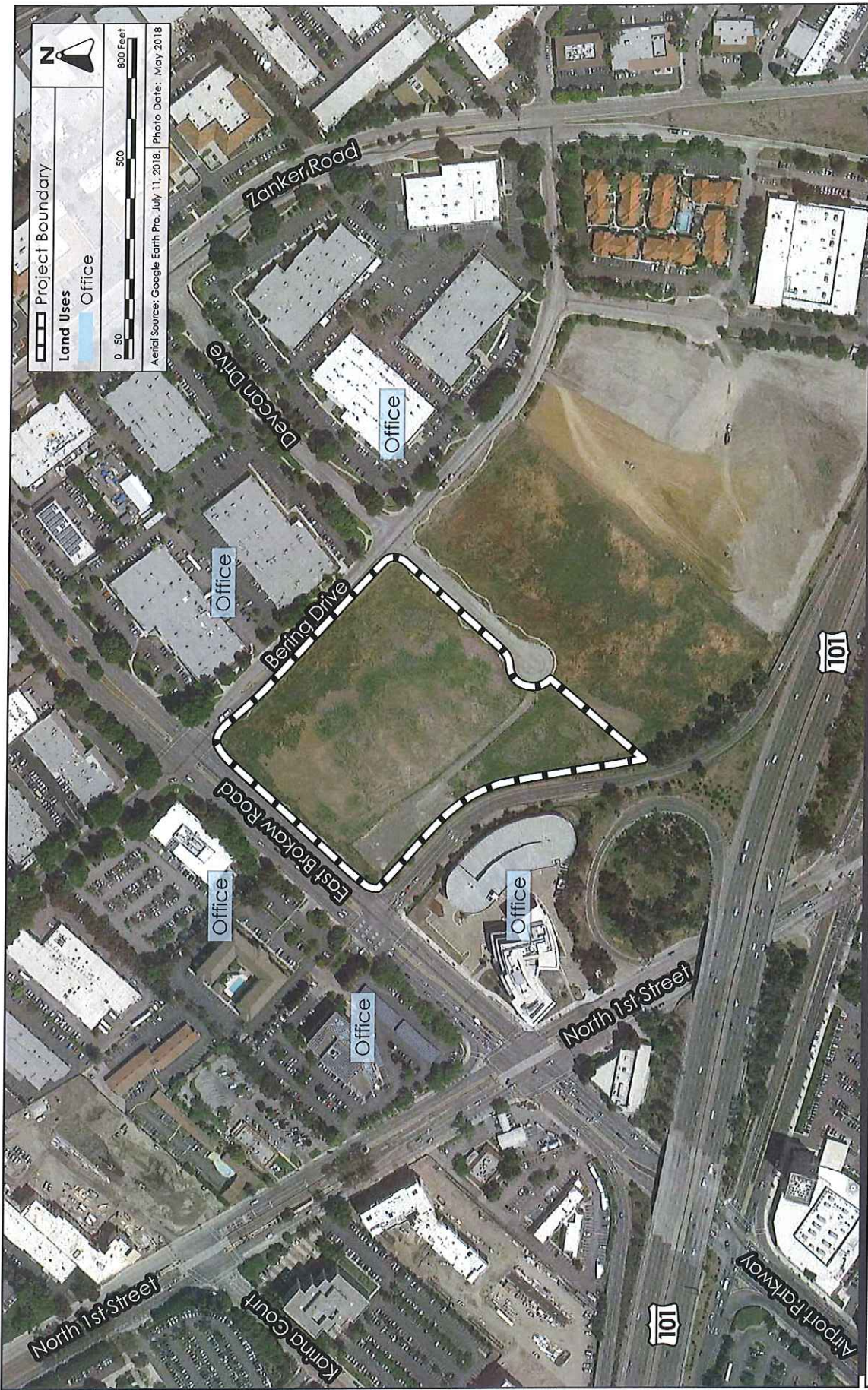


FIGURE 2-2

VICINITY MAP



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 2-3

SECTION 3.0 DESCRIPTION OF THE PROPOSED CHANGES TO THE PROJECT

3.1 SUMMARY OF THE APPROVED PROJECT

The approved 2013 project proposed to construct up to ten (10), seven (7)-story office buildings, totaling 2,025,350 square feet (s.f.) with a floor area ratio (FAR) of approximately 1.5, an activity center and playfields, and two levels of below-grade parking over the entire area of the 30.84 acre site. The project proposed an activity/sport center at the first floor and two below grade parking levels in the center of the site that would include a café, pool, basketball/volleyball courts, play fields, exercise and weight rooms, a lounge and locker rooms. The approved 2013 project proposed buildings on site up to 116 feet in height, including mechanical equipment. The conceptual site plan for the 2013 approved project is shown in Figure 3-1.

Since approval of the project in 2013, Building A (116,800 s.f.) has been completed at North First Street and Brokaw Road, the remainder of the site has not been developed.

3.2 PROPOSED CHANGES TO THE APPROVED PROJECT

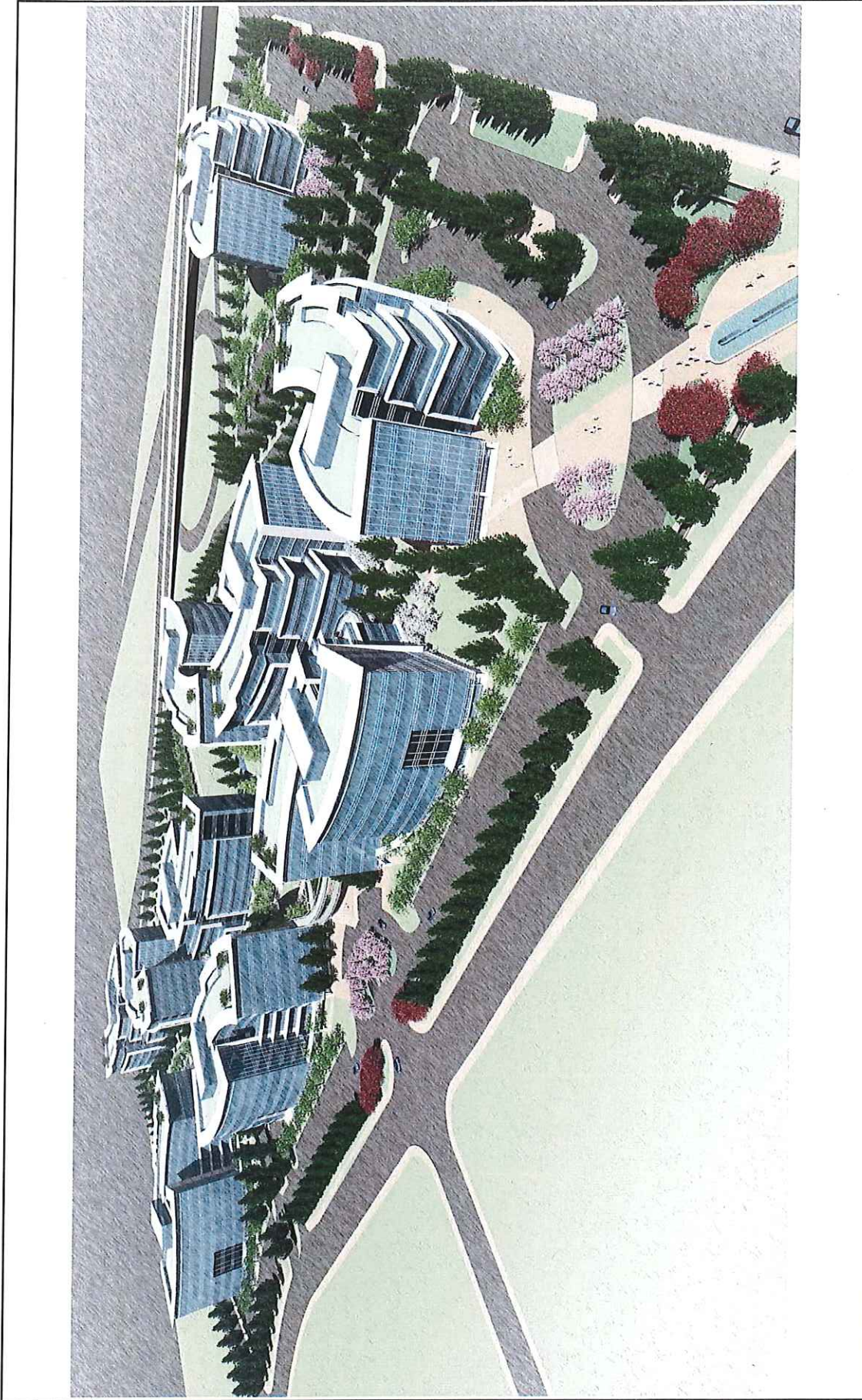
The revised project would construct two eight-story office buildings and one four-story office building (Buildings B, C, and D), totaling 611,535 s.f. with a FAR of approximately 0.84 on a 16.7-acre parcel bordered by Brokaw Road, Bering Drive, Devcon Court, and the US 101 off-ramp. The approved 2013 project proposed three buildings totaling 584,700 s.f. on this portion of the project site (refer to Figure 3-1).

The project is proposing a total of 2,020 parking spaces (3.3 spaces/1,000 s.f.) that would be contained within an eight-level parking garage and surface parking distributed throughout the 16.75-acre portion of the site. A recreation area is included on the roof deck of the proposed parking garage (refer to Figure 3-2). The approved 2013 project proposed two levels of below-grade parking, as well as additional parking spaces throughout the site at the ground level, for a total of 6,960 spaces (3.5 spaces/1,000 s.f.), across the entire 30.84 acre site.

The proposed development on the third parcel (south of Devcon Court and west of Bering Drive) that formerly housed the Bay 101 Casino is not the subject of this Addendum, and is assumed to develop consistent with the 2013 approved Planning entitlement and related Addendum covering the entire 30.84 acre site. Following completion of the revised project that is the subject of this Addendum covering 16.75 acres, the 2013 approved project anticipates approximately 1,218,915 s.f. of development would remain to be built on the third parcel.

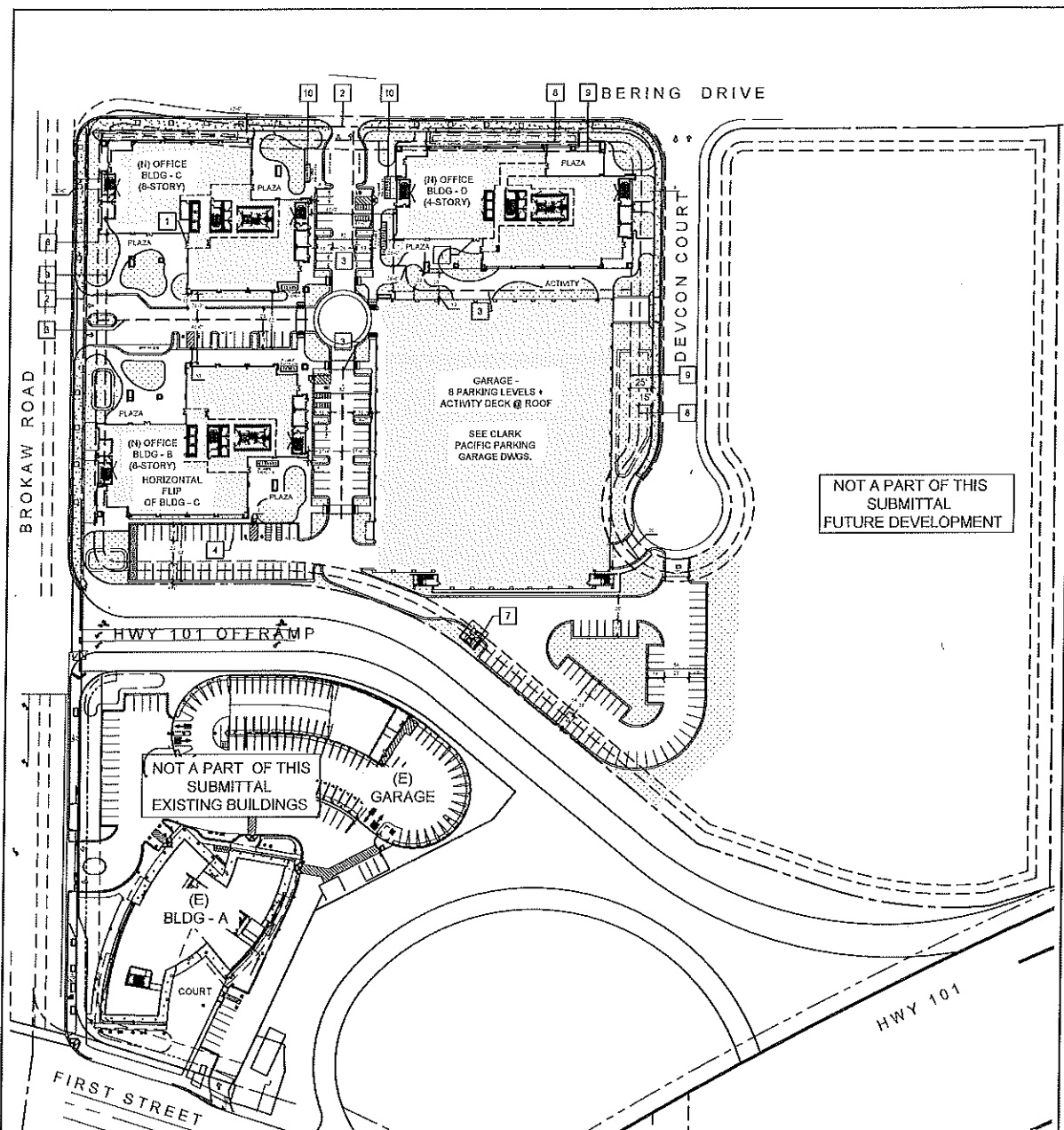
3.2.1 Building Heights and Setbacks

Buildings on the 16.7 acre site would be up to 134 feet in height including mechanical equipment (refer to Figures 3-3 and 3-4). The parking garage roof deck recreation area would be at 108 feet above grade with a 30-foot tall perimeter fence topping out at 138 feet. The proposed development on the site, including the parking garage, would be set back approximately 15 feet from Brokaw Road and Bering Drive.



APPROVED 2013 SITE PLAN

FIGURE 3-1



SHEET KEYNOTES

- | | |
|----|--|
| 1 | ENTRY |
| 2 | PROPERTY LINE |
| 3 | IMAGINARY PROPERTY LINE |
| 4 | PARKING STALLS, SEE CIVIL PLANS |
| 5 | NEW SHRUB AND GROUND COVER PLANTING, SEE LANDSCAPE PLANS |
| 6 | PAVING, SEE LANDSCAPE PLANS |
| 7 | TRASH ENCLOSURE, SEE SHEET A1.1 |
| 8 | 15' BUILDING SETBACK |
| 9 | 25' PARKING SETBACK |
| 10 | SHORT-TERM BICYCLE PARKING |

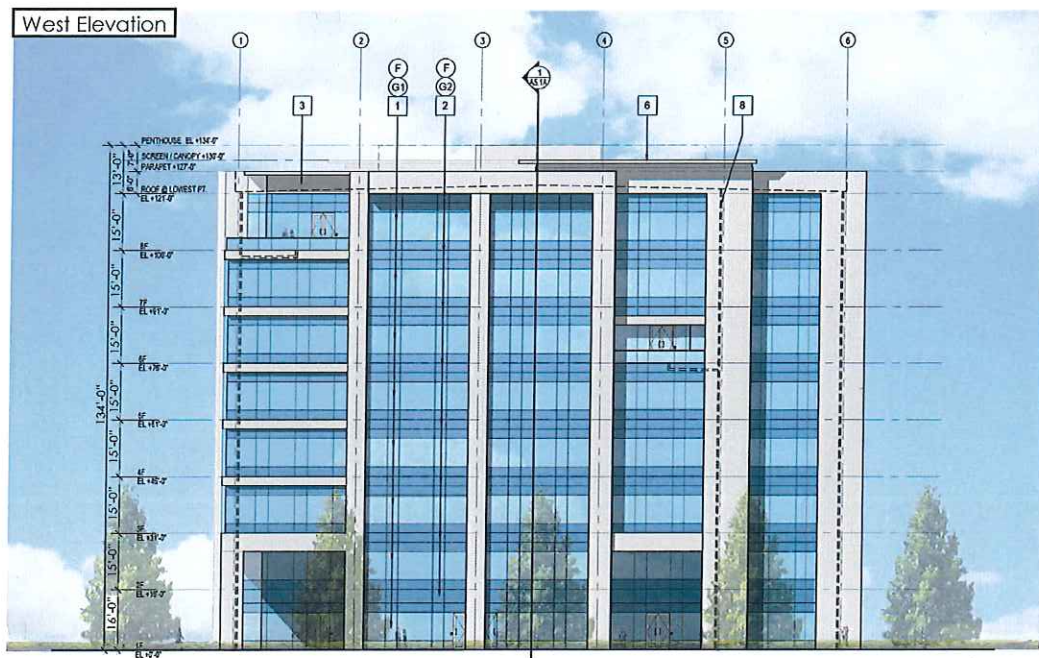
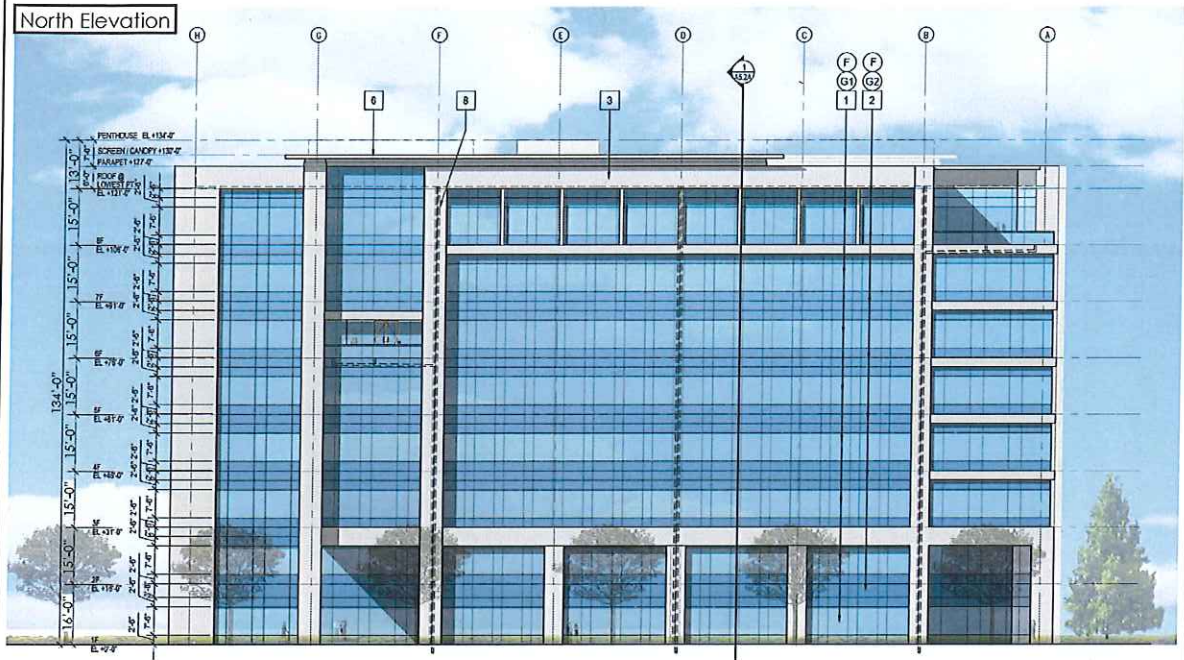
LEGEND

- | | |
|--|---|
| | 2015 CBC 11B-205 & 11B-401 ACCESSIBLE ROUTE, TYP. |
| | PROPERTY LINE |
| | CAV CLEAN-AIR VEHICLE STALL (FUTURE EV CHARGING) |
| | ACCESSIBLE STALL |



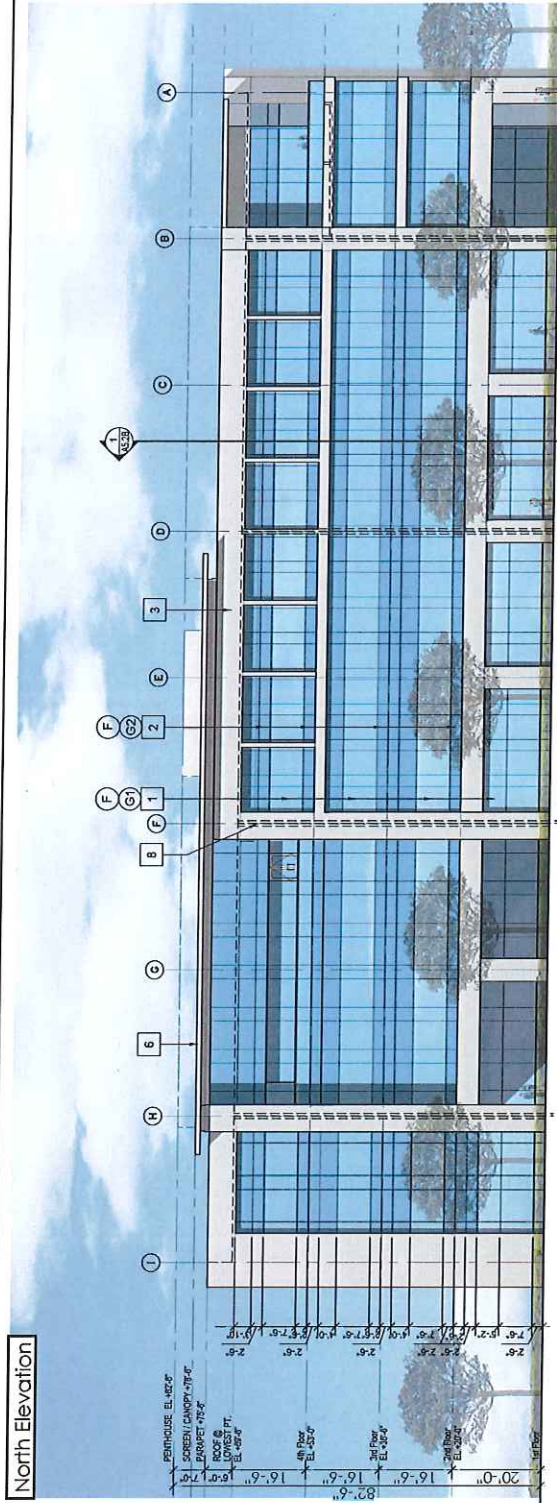
CONCEPTUAL SITE PLAN

FIGURE 3-2



BUILDINGS B & C NORTH AND WEST ELEVATIONS

FIGURE 3-3



BUILDING D NORTH AND WEST ELEVATIONS

FIGURE 3-4

3.2.2 Site Access

Vehicular access to the site would be provided by one driveway on Brokaw Road, one driveway on Bering Drive and one driveway Devcon Court. Pedestrian pathways and elevated walkways would extend throughout the site and connect the proposed buildings.

3.2.3 Parking

The proposed eight-level parking garage would provide 1,860 parking spaces. An additional 160 surface parking spaces would be provided throughout the site, for a total of 2,020 parking spaces. The project also proposes 130 bicycle parking spaces and provides 36 motorcycle spaces. Conceptual elevations for the parking garage are attached as Figure 3-5.

3.2.4 Roadway and Utility Improvements

Engineering calculations indicate additional storm drain capacity will not be required for the project. The project will connect to an existing 15-inch sanitary sewer line located in Brokaw Road, and an existing 8-inch sanitary sewer line located in Bering Drive, and an 8-inch line located in Devcon Court. The project will connect to an existing water line located in Bering Drive. All other utilities are currently present and sufficient to serve the proposed development.

The approved 2013 project included a number of transportation improvements that were required as conditions of approval. The following improvements would be required at the intersection of Brokaw Road and Bering Drive to support Phase 2 of the revised project:

- Modify existing traffic signal to accommodate an eight-phase traffic signal
- Widen south leg of intersection (Bering Drive) by approximately 21 feet
- Construct a dedicated eastbound right-turn pocket along Brokaw Road
- Lengthen the existing eastbound left-turn pocket on Brokaw Road to allow for a 300-foot queue storage
- Revise striping on the northern leg of the intersection for 8-phase signal
- Remove existing median island on Bering Drive

Additionally, the Valley Transportation Authority (VTA) in conjunction with the City of San Jose is currently developing the plan for US-101/Zanker Road project which is a NSJADP mitigation. The US-101/Zanker Road project is currently in the environmental phase with a target completion year of 2024. The improvements for US-101/Zanker Road project will include an overcrossing over US-101 that will connect Zanker Road to Skyport Drive and Fourth Street; and on and off-ramp on US-101 to Bering Drive and Zanker Road.

Bering Drive with the planned off and on-ramp on US-101 is planned to be 75 feet curb to curb width. The preliminary plan shows 2 southbound through lanes, 2 northbound left-turn lanes, one northbound through lane and two northbound right turn at the south leg of the intersection of Brokaw and Bering. The project will be dedicating an additional 20 feet along Bering Road for the transportation project for a total of 41 feet along the project frontage.

3.2.5 Landscaping

The project will include landscape trees around the perimeter of the property. Synthetic turf and pervious pavers will be installed within plaza/activity areas throughout the site.

Stormwater retention areas are also proposed around the perimeter of the site. Raised bio-retention planters are also proposed throughout the interior of the site.

3.2.6 Grading

The estimated amount of cut and fill during project construction would be 5,466 and 2,246 cubic yards, respectively. Therefore, approximately 3,220 cubic yards of soil would be exported off site during construction. No soil would be imported on site during construction.

3.2.7 Construction Schedule

The project is proposed to be constructed over a duration of 20 months beginning in early 2019.

3.2.8 Green Building Measures

The revised project would comply with the City's Green Building Ordinance through the incorporation of measures qualifying the project for the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED) Silver certification. The project proposes to implement the following green building measures and design features to reduce energy use on the site:

- Energy management systems for HVAC and Lighting
- Energy efficient glass
- Walkable campus plan with all buildings connect to a pedestrian pathway system
- Recycled materials and local purchasing/manufacturing of building materials
- Connection to LRT system
- Energy efficient roofing materials
- Green roof and decks using sustainable materials
- Rainwater recycling system with water treated per civil plans
- Future use of reclaimed water (as available)

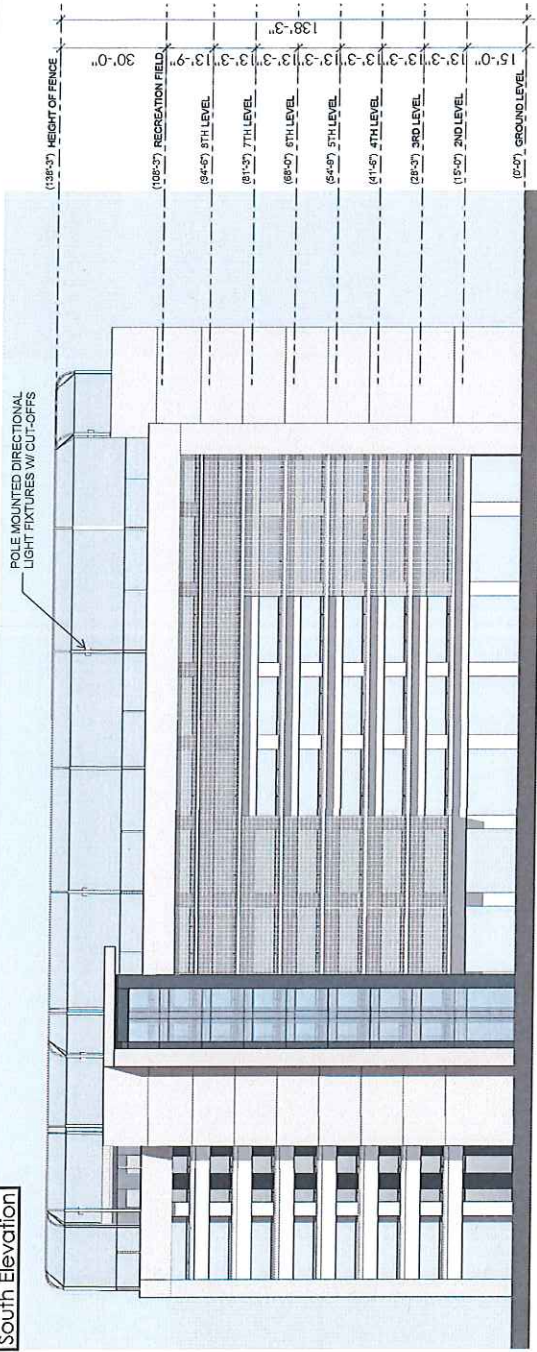
3.2.9 TDM Program

The following TDM measures would be implemented by the building owner and coordinated with future tenants occupying the project development:

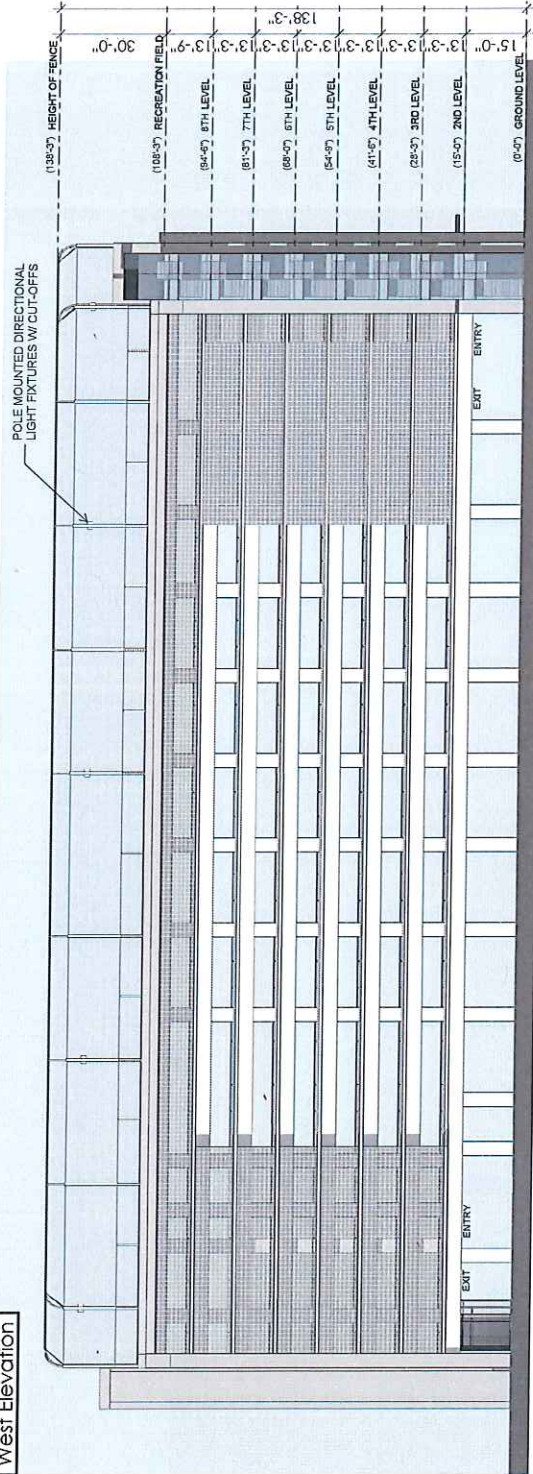
- Van pool, low emission and carpool parking at entry to each building,
- Electric charging stations,
- Bicycle parking long-term and short-term with repair station
- Pedestrian access and connections that incorporate large sidewalks and direct connections to light rail and nearby amenities
- Showers, changing rooms and clothes lockers,
- Passenger loading zones in front of each building,

- Motorcycle parking,
- Transportation and commute kiosk(s),
- Shuttle stop locations at various locations throughout the project,
- Exercise facility/gym,
- Telecommuting, and
- Mobile Services

South Elevation



West Elevation



GARAGE ELEVATIONS

FIGURE 3-5

SECTION 4.0 SETTING AND ENVIRONMENTAL IMPACT DISCUSSION

In accordance with CEQA Section 21093(b) and CEQA Guidelines Section 15152(a), this Addendum tiers off the previously certified City of San José 2005 North San José Development Policies Update Final Program Environmental Impact Report (NSJ FPEIR) (approved June 2005) and the Envision San José 2040 General Plan Final EIR (approved September 2011), and Addenda thereto, including the 2013 Addendum prepared for the approved entitlement for the entire 30-acre campus, discussed below.

The amount of office/R&D development proposed in the approved 2013 project was included and analyzed in the certified 2005 NSJ FPEIR and the 2011 Envision San José 2040 General Plan FEIR, and Addenda thereto. This Addendum evaluates the project specific environmental impacts that were not addressed in the two previously certified FPEIRs and the addenda thereto. Because the revised project results in minor technical project changes with no new significant impacts, and would not require major revisions to the previous EIRs prepared, an Addendum has been prepared for the revised project [CEQA Guidelines Sections 15162 and 15164], rather than a supplemental or subsequent EIR.

In 2013, the City of San José prepared an Initial Study/Addendum to the NSJ FPEIR and the Envision San José 2040 General Plan FEIR for the Site Development Permit File no. H13-040 North First and Brokaw Corporate Campus project. The existing environmental setting (including regulatory framework) for the approved project has not changed substantially since the preparation of the 2013 Addendum, with the following exceptions:

- Demolition of the former two- and three-story casino.
- Building A (approximately 116,800 s.f.) has been completed at North First Street and Brokaw Road.
- Certification of the Final Supplemental Program Environmental Impact Report (Final Supplemental PEIR) in 2014 for the Envision San José 2040 General Plan.
- The California Supreme Court in a December 2015 opinion (*California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 [No. S 213478]) confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project.
- The 2017 *Clean Air Plan* was adopted by the Bay Area Air Quality Management District (BAAQMD) in April 2017.
- The BAAQMD *California Environmental Quality Act Air Quality Guidelines* were updated in May 2017.

The change in the revised project and whether it would result in a new or more significant environmental impact compared to what was previously disclosed in the 2013 Addendum is discussed in the following sections by resource area.

Aesthetics

The existing visual character and views of the site and surrounding area have not changed since the preparation of the NSJ FPEIR and the Envision San José 2040 General Plan FPEIR, and addenda thereto. The approved 2013 project proposed to demolish the existing two- and three-story casino building and construct up to ten (10), seven (7)-story office buildings. The approved project proposed buildings up to 116 feet in height including mechanical equipment. As such, the 2013

Addendum analysis focused on the visual change associated with eight new multi-story buildings, with two levels of below-grade parking. The 2013 Addendum concluded that the approved project would result in less than significant impacts to visual and aesthetic resources.

One building has since been constructed on the parcel at North First and Brokaw. The revised project would increase the maximum building height from 116 to 134 feet and eight stories for two of the three office buildings on the 16.7-acre parcel. This is considered to be the most visible change when compared to the approved project. These changes would not substantially alter the character or appearance of the proposed structures compared to the buildings evaluated in the 2013 Addendum. The third office building on the subject parcel would be only four stories and 82 feet tall. In addition, the approved project proposed below-grade parking, whereas the revised project will construct an eight-level parking garage. The parking garage would be placed behind the new office buildings, as viewed from Brokaw Road and Bering Drive, although it would be somewhat visible from the US 101 off-ramp, as is the parking garage that is associated with the first parcel to develop on the campus at North First and Brokaw. A recreation area is proposed 108 feet above grade on the roof deck of the eighth level of the proposed parking garage, with a 30-foot security fence at the perimeter.

This revised project would conform to the design criteria set forth in the North San José Area Development Policy, as well as the policies and actions set forth in the 2011 Envision San José 2040 General Plan FPEIR. For these reasons, the revised project would not result in any new or more significant visual and aesthetic impacts than those previously disclosed in the NSJ FPEIR and the Envision San José 2040 General Plan FPEIR, and addenda thereto.

Agriculture and Forestry Resources

The existing agricultural and forestry setting has not changed since preparation of the NSJ FPEIR and the Envision San José 2040 General Plan FPEIR, and addenda thereto. The project site is not designated as farmland or used for agricultural purposes. None of the properties adjacent to the project site or in the vicinity are used or zoned for forestry resources. For these reasons, the 2013 Addendum concluded that the approved project would not result in any significant impacts to agriculture resources. The proposed project would not result in any new or more significant impacts to agriculture or forestry resources than were described in the NSJ FPEIR and the Envision San José 2040 General Plan FPEIR, and Addenda thereto.

Air Quality

The existing air quality setting has not changed since the preparation of the NSJ FPEIR and the Envision San José 2040 General Plan FPEIR, and addenda thereto. The 2013 Addendum concluded that the approved project would be consistent with then-current 2010 Clean Air Plan, and would result in the same less than significant impact as the 2040 General Plan.

The most recent clean air plan applicable to the proposed project is the Bay Area 2017 Clean Air Plan. Determining consistency with the 2017 Clean Air Plan requires an assessment of whether the measures outlined in the 2017 Clean Air Plan are implemented at the scale of the project in question. The summary table below details the features of the proposed project that ensure its consistency with the 2017 Clean Air Plan. As indicated in Table 1 below, the project supports the primary goals of the

2017 Clean Air Plan in that it is infill office development that provides users of the site with access to existing transit and services which will reduce vehicle trips.

Table 1: Bay Area 2017 Clean Air Plan Applicable Control Measures		
Control Measures	Description	Project Consistency
<i>Transportation Control Measures</i>		
Trip Reduction Programs	Encourage trip reduction policies and programs in local plans, e.g., general and specific plans. Encourage local governments to require mitigation of vehicle travel as part of new development approval, to develop innovative ways to encourage rideshare, transit, cycling, and walking for work trips.	The project includes a TDM program that incorporates preferential parking for alternative vehicles/carpools, electric charging stations, bike parking and repair, showers, shuttle stops, VTA Ecopasses, ride matching, and telecommuting. The project is consistent with this control measure.
Bicycle and Pedestrian Access and Facilities	Encourage planning for bicycle and pedestrian facilities in local plans, e.g., general and specific plans, fund bike lanes, routes, paths and bicycle parking facilities.	Existing bicycle facilities in the vicinity of the site include bike lanes on Brokaw Road that extend to the Guadalupe River Trail. The project includes bike parking and repair facilities for employees. The project includes sidewalks on all street frontages with pathways provided throughout the site. Sidewalks in the project area provide access to the Karina Court and Metro/Airport Light Rail Transit (LRT) Stations. The project is consistent with this control measure. The project, therefore, is consistent with this measure.
Land Use Strategies	Support implementation of Plan Bay Area, maintain and disseminate information on current climate action plans and other local best practices.	The project proposes employment uses on a site intended for such use in the <i>Envision San José 2040 General Plan</i> . The project vicinity is served by existing and planned transit, bicycle, and pedestrian facilities. Based on the transportation service and TDM program available to future employees, the project is consistent with this control measure.
<i>Building Control Measures</i>		
Green Building	Identify barriers to effective local implementation of the CalGreen (Title 24)	The project will comply with the City's Green Building Ordinance and achieve LEED Silver certification through the

Table 1: Bay Area 2017 Clean Air Plan Applicable Control Measures		
Control Measures	Description	Project Consistency
	statewide building energy code; develop solutions to improve implementation/enforcement. Engage with additional partners to target reducing emissions from specific types of buildings.	implementation of various green building measures to reduce the energy and water use of the proposed development. The project, therefore, is consistent with this measure.
Urban Heat Island Mitigation	Develop and urge adoption of a model ordinance for “cool parking” that promotes the use of cool surface treatments for new parking facilities. Develop and promote adoption of model building code requirements for new construction or re-roofing/roofing upgrades for commercial and residential multi-family housing.	Although the project does not propose the use of cool roofing or paving, new landscape trees proposed throughout the proposed development would serve to reduce the urban heat island effect. The project may also pay in-lieu fees for tree planting in other areas of the City. Implementation of tree mitigation measures will reduce the urban heat island effect, and thus the project is consistent with this control measure.

As indicated in the above table, the project would not obstruct the implementation of the 2017 Clean Air Plan. The nature of the project, an infill office development, and its proximity to regional transit ensure it is consistent with transportation and trip reduction control measures. Additionally, the proposed project would be consistent with energy and conservation measures identified in the 2017 Clean Air Plan through its site design and building features.

It was determined that the development of the approved project would contribute to the significant unavoidable regional and local air quality impacts identified in the certified 2005 NSJ and 2011 Envision San José 2040 General Plan FPEIRs. The potential job generation due to the approved project was included within the overall amount of new job growth anticipated to occur in the NSJ and General Plan FPEIRs and would not result in any new or more significant regional or local air quality impacts than were described in the certified 2005 NSJ and 2011 Envision San José 2040 General Plan FPEIRs. Traffic from the approved project would contribute to significant criteria air pollutant emissions. This impact was identified in the certified 2005 NSJ FPEIR and the City Council adopted a statement of overriding consideration for the impact. Construction of the approved project would contribute to the significant construction-related, short-term air quality impacts identified in the certified 2005 NSJ and 2011 Envision San José 2040 General Plan FPEIRs. The 2013 Addendum concluded that temporary air quality impacts may result from demolition of the existing structure(s), excavation of soil, and other construction activities on the subject site. Implementation of the standard project conditions, consistent with current BAAQMD recommendations for large projects, would reduce the temporary construction impacts to a less than significant level.

Consistent with the approved 2013 project, the currently proposed project would be required to implement the same mitigation measures and standard practices, which include:

- Provide physical improvements, such as sidewalk improvements, landscaping and bicycle parking that would act as incentives for pedestrian and bicycle modes of travel.
 - Bicycle parking is required at one space per 4,000 s.f. of building area, 80 percent short-term and 20 percent long-term. For the current project, both long-term parking (26 in lockers) and short-term parking (104 in racks) for bicycles is provided.
- Provide on-site showers and lockers for employees bicycling or walking to work. Provide secure and conveniently located bicycle parking and storage for workers.
 - Showers will be provided in conformance with the Zoning Ordinance
- Utilize reflective (or high albedo) and emissive roofs and light colored construction materials to increase the reflectivity of roads, driveways, and other paved surfaces, and include shade trees near buildings to directly shield them from the sun's rays and reduce local air temperature and cooling energy demand.
 - The project will incorporate a high albedo roofing material.
 - Other building materials such as metal panels will be light colored.
 - High performance glazing will be incorporated.
 - Shade trees will be incorporated near the building on the southern exposures where possible.

The following TDM measures would be implemented by the building owner and coordinated with future tenants occupying the project development:

- Van pool, low emission and carpool parking at entry to each building,
- Electric charging stations,
- Bicycle parking long-term and short-term with repair station
- Pedestrian access and connections that incorporate large sidewalks and direct connections to light rail and nearby amenities
- Showers, changing rooms and clothes lockers,
- Passenger loading zones in front of each building,
- Motorcycle parking,
- Transportation and commute kiosk(s),
- Shuttle stop locations at various locations throughout the project,
- Exercise facility/gym,
- Telecommuting, and
- Mobile Services

For these reasons, the revised project would not result in any new or more significant regional or local air quality impacts than those addressed in the NSJ FPEIR or Envision San José 2040 General Plan FPEIR, and Addenda thereto. The revised project, with the implementation of the BAAQMD recommended construction mitigation measures, would not result in any new or more significant construction-related air quality impacts than those addressed in the certified 2005 NSJ and 2011 Envision San José 2040 General Plan FPEIRs.

Biological Resources

The existing biological resources setting has not changed since the preparation of the NSJ FPEIR and the Envision San José 2040 General Plan FPEIR, and addenda thereto. The 2013 Addendum

concluded that with incorporation of SCVHP Condition 15 and payment of appropriate burrowing owl, land use, and nitrogen deposition fees and with implementation of mitigation measures, the approved project would not conflict with the Santa Clara Valley Habitat Plan.

The entire 30.84-acre site, including the current project site (16.7-acre parcel), is located in modeled and mapped occupied burrowing owl nesting habitat according to the Santa Clara Valley Habitat Plan (SCVHP). Burrowing owl surveys completed in connection with the 2013 project documented ground squirrels and suitable habitat for owls, but that no owls were present at the time. Habitat assessments prepared for the current office project by qualified biologist H.T. Harvey and Associates dated June 20, 2018 indicate that the project site continues to provide suitable roosting and nesting habitat for burrowing owls. Multiple ground squirrel burrows were present on site, however burrowing owls were not observed on the project site during surveys conducted in June 2018. No owls or evidence of owls' use of ground squirrel burrows was observed, therefore, while mapped as occupied by the SCVHP, the site is not in fact currently occupied by owls.

However, the site does provide potential breeding, roosting, and foraging habitat for burrowing owls that is consistent with habitat used by owls elsewhere in the South Bay. Development of the project site would result in permanent loss of 16.8 acres of suitable burrowing owl habitat, in addition to the potential owl habitat that was lost when the first parcel at North First and Brokaw was developed. In accordance with analysis provided in the 2005 NSJ FPEIR, this loss of habitat was considered a significant unavoidable impact. However, the adoption of the SCVHP now provides a comprehensive approach to burrowing owl conservation that is a feasible mitigation to offset the site's loss of owl habitat. By adhering to the terms, conditions, fees, and avoidance and minimization measures of the SCVHP established for burrowing owls, the project specific impact can be reduced to less than significant level through payment of applicable fees.

In order to avoid direct impacts to the species a preconstruction survey and avoidance measures shall be implemented in accordance with Condition 15 of the SCVHP. These measures include preconstruction surveys, which will be conducted by a qualified biologist to determine whether burrowing owls are present on the site or within 250 feet prior to the start of project construction, and, if burrowing owls are determined to be present, implementation of a 250-foot non-disturbance buffer around all occupied owl burrows during construction activities. If construction activities will occur outside this buffer during the breeding season, prior to the onset of project activities the applicant will develop an avoidance, minimization, and monitoring plan, containing the measures required by the VHP pertaining to monitoring of the owls' behavior before and during construction, for review by the Santa Clara Valley Habitat Agency and the wildlife agencies. During the non-breeding season, construction activities may proceed and the owl burrow removed if a qualified biologist determines that the owls are gone for at least one week. If owls remain on the site during the non-breeding season, and the applicant wishes to perform construction activities outside the 250-foot buffer, then the measures described in the VHP pertaining to monitoring of the owls' behavior before and during construction will be implemented.

The revised project would be required to implement the same mitigation measures and payment of mitigation fees to reduce impacts to biological resources to less than significant levels. For these reasons, the revised project would not result in any new or more significant impacts to biological resources than those addressed in the NSJ FPEIR or Envision San José 2040 General Plan FPEIR, and Addenda thereto.

Cultural Resources

The existing cultural resources setting has not changed since the preparation of the NSJ FPEIR and the Envision San José 2040 General Plan FPEIR, and addenda thereto. The 2013 Addendum described that while no evidence of archaeological resources was found during the pedestrian reconnaissance completed in November 2013, the project vicinity is known to be of high archaeological sensitivity due to the Guadalupe River/Coyote Creek corridor. The 2013 Addendum concluded that with implementation of mitigation measures to ensure conformance with the certified 2005 NSJ FPEIR and standard conditions of approval, the approved project would not result in significant impacts to cultural resources. The revised project would entail less ground disturbance than the approved 2013 project since it no longer proposes excavation of a two-level below-grade parking garage, nonetheless the proposed project entails ground disturbance across the 16.7 acres and would be required to implement the same mitigation measures and standard practices, which include:

- Implementation of a subsurface reconnaissance using either a backhoe to dig either a larger number of small trenches arrayed around the property, or a smaller number of larger/longer trenches to gain a representative sample into and below the previous natural surface. Where apparent, the strata from surface should be carefully examined, described, illustrated, and characterized.

Upon completion of the subsurface mechanical testing, and not less than 30 days prior to approval of a grading permit, the project proponent shall have a professional archaeologist prepare an Historic Properties Treatment Plan (HPTP) to the satisfaction of the Director of Planning. An HPTP is a document that provides detailed, specific information and procedures for the management/treatment of both known and unknown cultural resources that may be affected by a project. The HPTP shall provide a background context for the parcel/resources and appropriate guidelines for considering and protecting cultural resources during any future development or modification of the site. The plan shall include resource protection and monitoring plans for cultural resources as well as methods and procedures to deal with inadvertent cultural discoveries that may be exposed during subsurface construction.

- In the event any significant cultural materials are encountered, all construction within a radius of 50-feet radius of the find would be halted, the Director of Planning, Building and Code Enforcement would be notified, and a professional archaeologist will examine the find and make appropriate recommendations regarding the significance of the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. Recommendations could include collection, recordation, and analysis of any significant cultural materials.
- If human remains are discovered, the Santa Clara County Coroner will be notified. The Coroner would determine whether or not the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he would notify the Native American Heritage Commission, would attempt to identify “most likely” descendants of the deceased.

- If the Director of Planning, Building and Code Enforcement finds that the archaeological find is not a significant resource, work would resume only after the submittal of a preliminary archaeological report and after provisions for reburial and ongoing monitoring are accepted.
- A final report will be prepared by the project archaeologist when a find is determined to be a significant archaeological resource, and/or when Native American remains are found on the site. The final report will include background information on the completed work, a description and list of identified resources, the disposition and curation of these resources, and testing, and other recovered information, and conclusions.

For these reasons, the revised project would result in the same less than significant impact to cultural resources as disclosed in the NSJ FPEIR or Envision San José 2040 General Plan FPEIR, and Addenda thereto.

Geology and Soils

The existing geology and soils setting has not changed since the preparation of the NSJ FPEIR and the Envision San José 2040 General Plan FPEIR, and addenda thereto. The 2013 Addendum disclosed that undocumented fill may extend several feet below the ground surface of the project site. Historic high groundwater on the site is expected at approximately five feet or less below the ground surface. Below-grade excavations and planned utilities extending near or below the groundwater will most likely require dewatering and/or soil stabilization. The proposed project will entail less excavation and dewatering than the approved 2013 project since it now includes above-ground parking and no longer proposes excavation of a two-level below-grade parking garage that would extend into the water table.

As described in the 2013 Addendum, design and construction of the project in conformance with a project-specific geotechnical investigation, using common design and construction practices, will ensure that potential hazards from expansive soils, undocumented fill, and groundwater on the site result in a less than significant impact.

Standard Project Conditions

The project will implement the following standard project conditions to ensure that site soils and geologic conditions result in less than significant geologic hazard impacts:

- A design-level geotechnical investigation report addressing the potential hazard of liquefaction and expansive soils must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation shall be consistent with the guidelines published by the State of California (CGS Special Publication 117A) and the Southern California Earthquake Center (SCEC, 1999). A recommended depth of 50 feet should be explored and evaluated in the investigation, and shall provide detailed geotechnical recommendations for the design and construction of the project.
- The geotechnical investigation shall be reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance for the project.
- Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to

prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.

- Implement standard grading and best management practices to prevent substantial erosion and siltation during development of the site.

The 2013 Addendum disclosed that the project site includes potentially liquefiable soil materials. Design and construction of the project in conformance with a project-specific geotechnical investigation will ensure that potential hazards from liquefiable soils result in a less than significant impact.

Standard Project Conditions

The following standard condition, as updated to current practice, is identified as part of the certified 2005 NSJ FPEIR to be required of future development in North San José and is proposed by the project:

- The project shall be designed and constructed in conformance with the 2010 California Building Code guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking and seismic-related hazards on the site.

With the implementation of the standard project conditions outlined above, the revised project would result in the same less than significant impact to geology and soils as addressed in the NSJ FPEIR or Envision San José 2040 General Plan FPEIR, and Addenda thereto.

Greenhouse Gas Emissions

The 2013 Addendum concluded that the approved project would be consistent with all of the mandatory criteria that are applicable to the project, and proposed some of the voluntary criteria included in the Greenhouse Gas Reduction Strategy in the 2011 Envision San José 2040 General Plan FPEIR. For these reasons, the approved project was determined to be consistent with the Greenhouse Gas Reduction Strategy.

Mandatory Criteria

1. Consistency with the Land Use/Transportation Diagram (General Plan Goals/Policies IP-1, LU-10)
2. Implementation of Green Building Measures (GP Goals: MS-1, MS-2, MS-14)
 - Solar Site Orientation
 - Site Design
 - Architectural Design
 - Construction Techniques
 - Consistency with City Green Building Ordinance and Policies
 - Consistency with GHGRS Policies: MS-1.1, MS-1.2, MC-2.3, MS-2.11, and MS-14.4.
3. Pedestrian/Bicycle Site Design Measures
 - Consistency with Zoning Ordinance
 - Consistency with GHGRS Policies: CD-2.1, CD-3.2, CD-3.3, Cd-3.4, CD-3.6, CD-3.8, CD-3.10, CD-5.1, LU-5.4, LU-5.5, LU-9.1, TR-2.8, TR-2.11, TR-2.18, TR-3.3, TR-6.7.

4. Salvage building materials and architectural elements from historic structures to be demolished to allow re-use (General Plan Policy LU-16.4), if applicable;
5. Complete an evaluation of operational energy efficiency and design measures for energy-intensive industries (e.g. data centers) (General Plan Policy MS-2.8), if applicable;
6. Preparation and implementation of the Transportation Demand Management (TDM) Program at large employers (General Plan Policy TR-7.1), if applicable; and
7. Limits on drive-through and vehicle serving uses; all new uses that serve the occupants of vehicles (e.g. drive-through windows, car washes, service stations) must not disrupt pedestrian flow. (General Plan Policy LU-3.6), if applicable.

The revised project is consistent with mandatory criteria 1, 2, and 3. Specifically, the project is consistent with the site's existing land use designation for the Land Use/Transportation Diagram. The project also proposes to obtain LEED Silver certification thereby meeting mandatory criteria 2.

The project is proposing to provide 130 bike parking spaces which generally meets the requirement for ratio of bike spaces to building size (1/4,000 s.f. of net building area). Pedestrian pathways and elevated walkways would extend throughout the site and connect the proposed buildings. The revised project would meet mandatory criterion 3. As discussed in 4.3 Air Quality, the project has prepared a TDM program, therefore, the revised project is also consistent with mandatory criterion 6. Criteria 4, 5, and 7 are not applicable to the revised project, because there are no historic structures on the site, the project is not an energy-intensive use and the site does not propose drive-through uses.

Voluntary Criteria

Table 2 provides a summary of the voluntary criteria and describes the revised project's compliance with each criterion.

Table 2: Voluntary Greenhouse Gas Reduction Strategy Criteria		
Policies	Description of Project Measure	Project Conformance/ Applicability
BUILT ENVIRONMENT AND RECYCLING		
Installation of solar panels or other clean energy power generation sources on development sites, especially over parking areas MS-2.7, MS-15.3, MS-16.2	The project does not propose solar panels or other clean energy power generation sources on-site.	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Not Proposed or <input type="checkbox"/> Not Applicable
Use of Recycled Water Use recycled water wherever feasible and cost-effective (including non-residential uses outside of the Urban Service Area) MS-17.2, MS-19.4	The closest recycled water line currently available is 0.5 miles from the project and it is not currently cost-effective for the project alone to extend recycled water service to the site, nor does the City have funding currently to extend it.	<input type="checkbox"/> Required/ Proposed <input checked="" type="checkbox"/> Not Proposed or <input type="checkbox"/> Not Applicable
TRANSPORTATION AND LAND USE		
Car share programs Promote car share programs to minimize the need for parking spaces TR-8.5	A car share program is not currently available in North San José and no spaces are proposed to be reserved for this use. The project proposes dedicated parking spaces for use by carpools or vanpools.	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Not Proposed or <input type="checkbox"/> Not Applicable
Limit parking above code requirements TR-8.4	The project proposes 2,020 parking spaces at a ratio of 3.3 spaces/1,000 s.f. of building space. Per Table 20-90 of the Municipal Code, offices, research and development are to be parked at a minimum of one space per 300 s.f., or 3.3 spaces per 1,000 s.f.	<input checked="" type="checkbox"/> Project is Parked at or below Code Requirements <input type="checkbox"/> Project is Parked above Code Requirements or <input type="checkbox"/> Not Applicable

Table 2: Voluntary Greenhouse Gas Reduction Strategy Criteria		
Policies	Description of Project Measure	Project Conformance/ Applicability
Consider opportunities for reducing parking spaces (including measures such as shared parking, TDM, and parking pricing to reduce demand) TR-8.12	A TDM plan would be prepared and implemented.	<input checked="" type="checkbox"/> Proposed <input type="checkbox"/> Project Does Not Propose or <input type="checkbox"/> Not Applicable

As with the approved 2013 project, the revised project is consistent with all of the mandatory criteria that are applicable to the project, and proposes some of the voluntary criteria included in the Greenhouse Gas Reduction Strategy in the 2011 Envision San José 2040 General Plan FPEIR.

Hazards and Hazardous Materials

The existing hazards and hazardous materials setting has not changed substantially since the preparation of the NSJ FPEIR and the Envision San José 2040 General Plan FPEIR, and addenda thereto. The 2013 Addendum disclosed that elevated concentrations of organochlorine pesticides (DDT and DDE) were found in one soil sample on the site in the vicinity of former structures located near Bering Drive. The concentrations of DDT and DDE exceed the commercial CHHSLs and total DDT in this location is considered hazardous waste for disposal purposes. The approved project proposed two levels of below grade parking that would require the off-hauling of soils from the project site. Residual contamination in soils could expose future construction to hazardous materials on site. The 2013 Addendum concluded that further soil sampling on the site would be required in accordance with a Site Management Plan to ensure construction workers and the environment would not be significantly exposed to hazardous materials contamination.

The revised project does not propose below-grade parking. Therefore, the revised project would not require the off-hauling of soils from the project site. When compared to the approved project, the revised project would have a reduced impact compared to the approved 2013 project.

The revised project would increase the maximum building height from 116 to 134 feet. For the project site, any proposed structure of a height greater than approximately 55 feet above ground is required under FAR Part 77 to be submitted to the FAA for review. Federal regulations would require the revised project to be submitted to the FAA for airspace safety review. FAA issuance of a Determination of No Hazard and incorporation of any conditions of the FAA determinations into the building design would be required prior to approval of building permits for the project. Issuance of a Determination of No Hazard and incorporation of any FAA conditions ensures the project would result in a less than significant impact to airspace safety. For these reason, the revised project would result in the same less than significant impact to hazards and hazardous materials as disclosed in the NSJ FPEIR and the Envision San José 2040 General Plan FPEIR, and Addenda thereto.

Hydrology and Water Quality

The existing hydrological setting has not changed since the preparation of the NSJ FPEIR and the Envision San José 2040 General Plan FPEIR, and addenda thereto. As described in the 2013 Addendum, the southwest corner of the approved project site along North First Street and at its intersection with Brokaw Road is located within Flood Zone “AO”.¹ The approved project was determined to have a less than significant flooding impact with implementation of mitigation measures, including compliance with the City’s Special Flood Hazard Area Regulations, obtaining an Elevation Certificate (FEMA Form 81-31) and Flood Proofing Certificate (FEMA Form 81-65), and designing the project to ensure that support utility systems were located above the base flood elevation. The 16.7-acre parcel on which Buildings B, C, and D are proposed is located in Zone X and would therefore not be subject to up to one foot of flooding.

As disclosed in the 2013 Addendum, the approved project would be subject to the City’s Post-Construction Urban Runoff Management (Policy 6-29) and would be required to comply with the requirements for the Municipal Regional Stormwater NPDES Permit (MRP) issued by the California Regional Water Quality Control Board, commonly referred to as Provision C.3 and governed in San Jose by City Policies 6-29 and 8-14. Compliance with these requirements would minimize and reduce erosion, pollutants in stormwater runoff, and pollution in stormwater discharge. As a result, the approved project was determined to result in less than significant drainage impacts. The revised project would be required to comply with the NPDES permit to minimize and reduce erosion, pollutants in stormwater runoff, and pollution in stormwater discharge.

Historic high groundwater on the site is expected at approximately five feet or less below the ground surface. Below-grade excavations and planned utilities extending near or below the groundwater will most likely require dewatering and could introduce contaminants into the groundwater table. The currently proposed project will entail less excavation and dewatering than the approved 2013 project since it now includes above-ground parking and no longer proposes excavation of a two-level below-grade parking garage that would extend into the water table.

Construction of the revised project may result in temporary impacts to surface water quality. Consistent with the approved project, the revised project would implement the following measures identified as part of the certified 2005 NSJ FPEIR:

- Compliance with the NPDES General Construction Activity Stormwater Permit administered by the Regional Water Quality Control Board. Prior to future construction or grading for project with land disturbance of one acre or more, applicants shall be required to file a “Notice of Intent” (NOI) to comply with the General Permit and prepare a Stormwater Pollution Prevention Plan (SWPPP) that addresses measures that would be included in the project to minimize and control construction and post-construction runoff. Copies of the SWPPP shall be submitted to the City of San José Department of Public Works. The following measures typically are included in a SWPPP:
 - Preclude non-stormwater discharges to the stormwater system.
 - Incorporate effective, site-specific Best Management Practices for erosion and sediment control during the construction and post-construction periods.

¹ Flood zone “AO” describes areas with a flood depth of one to three feet during a 100-year flood.

- Cover soil, equipment, and supplies that could contribute pollution prior to rainfall events or monitor runoff.
- Perform monitoring of discharges to the stormwater system.

With implementation of the above standard project conditions, the revised project would not result in construction-related water quality impacts.

Development of the revised project would contribute to post-construction related water quality impacts. Consistent with the approved project, the revised project has Best Management Practices (BMPs) in place to ensure compliance with NPDES permit requirements to reduce post-construction water quality impacts.

Standard Project Conditions

The project proposes to implement the following standard measures:

- The revised project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) that include site design measures, source controls, and stormwater treatment controls to minimize stormwater pollutant discharges. Post-construction treatment control measures shall meet the numeric sizing design criteria specified in City Policy 6-29.
- The project's Stormwater Control Plan and numeric sizing calculations will be in conformance with City Policy 6-29.
- Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.

For these reasons, the revised project would result in the same less than significant impact to hydrology and water quality as disclosed in the NSJ FPEIR and the Envision San José 2040 General Plan FPEIR, and Addenda thereto.

Land Use and Planning

As part of the project that was the subject of the 2013 Addendum, the project site was rezoned from the *LI – Light Industrial, CG- General Commercial, R-2 Two-family Residence, IP – Industrial Park, and IP (PD) Planned Development* zoning districts to the *TEC – Transit Employment Center* zoning district to develop the project. With the exception of the rezoning of the site and the demolition of the former casino building, the existing land use setting has not changed since the preparation of the NSJ FPEIR and the Envision San José 2040 General Plan FPEIR, and addenda thereto. The 2013 Addendum concluded that the approved project would result in less than significant land use compatibility impacts.

The revised project would construct two eight-story office buildings and one four-story office building (Buildings B, C, and D), totaling 611,535 s.f. with a FAR of approximately 0.84 on the 16.7 acre parcel, an eight-level parking garage, and a recreation area on the eighth level of the proposed parking garage. Development of the revised project is reflected in the total of new development

proposed under the approved project and would be consistent with the *TEC – Transit Employment Center* zoning district. The revised project would be required to implement the following measures identified as part of the certified 2005 NSJ FPEIR and the 2011 Envision San José 2040 General Plan FPEIR to be required of future industrial development in North San José and are proposed by the project to further reduce land use compatibility impacts:

- Compliance with the City of San José *General Plan Policies*, including the following:

North San José Area Development Policy

- *Industrial Land Use Policy #12:* Employee intensive uses should be encouraged to locate near transit facilities.
- *Industrial Land Use Policy #19:* New industrial development should create a pedestrian friendly environment by connecting the features of the development with safe, convenient, accessible, and pleasant pedestrian facilities. Such connections should also be made between the new development and adjacent public streets.

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- *Policy LU-1.5:* With new development or expansion and improvement of existing development or uses, incorporate measures to comply with current Federal, State, and local standards.
- *Policy LU-1.6:* Locate employee-intensive commercial and industrial uses within walking distance of transit stops. Encourage public transit providers or increase services to areas with high concentrations of residents, workers, or visitors.

The revised project, with the implementation of the above standard project conditions, would not result in any new or more significant land use compatibility impacts than those addressed in the certified 2005 NSJ FPEIR or certified 2011 Envision San José 2040 General Plan FPEIR.

Mineral Resources

The existing mineral resources setting has not changed since the preparation of the NSJ FPEIR and the Envision San José 2040 General Plan FPEIR, and addenda thereto. As described in the 2013 Addendum, the project site is within a developed urban area and does not contain any known or designated mineral resources. Consistent with the approved project, the revised project would not result in any new or more significant impacts to mineral resources than were described in the NSJ FPEIR and the Envision San José 2040 General Plan FPEIR, and Addenda thereto.

Noise and Vibration

The existing noise and vibration setting has not changed substantially since the preparation of the NSJ FPEIR and the Envision San José 2040 General Plan FPEIR, and addenda thereto. The 2013 Addendum concluded that the approved project would result in a short-term increase in noise levels in the project area during demolition and construction activities. Standard Project Conditions were identified as part of the certified 2011 Envision San José 2040 General Plan FPEIR and 2005 NSJ FPEIR, and would be implemented as part of the approved project. With the implementation of the

standard project conditions, the approved project would not result in any new or more significant short-term construction noise impacts. Traffic from the approved project would contribute to noise increases on roadways in the North San José area, which would result in significant and unavoidable impacts at some noise-sensitive receptors. This impact was identified in the certified 2011 Envision San José 2040 General Plan FPEIR and the City Council adopted a statement of overriding consideration for the impact.

The proposed project will entail less excavation than the approved 2013 project since it now includes above-ground parking and no longer proposes excavation of a two-level below-grade parking garage, therefore the noise generated by site preparation would be reduced compared to the 2013 project. Consistent with the approved project, the revised project would be required to implement the following standard project conditions during construction:

- Utilize 'quiet' models of air compressors and other stationary noise sources where technology exists.
- Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment;
- Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses;
- Locate staging areas and construction material areas as far away as possible from adjacent land uses;
- Prohibit all unnecessary idling of internal combustion engines;
- If impact pile driving is proposed, multiple-pile drivers shall be considered to expedite construction. Although noise levels generated by multiple pile drivers would be higher than the noise generated by a single pile driver, the total duration of pile driving activities would be reduced;
- If impact pile driving is proposed, temporary noise control blanket barriers shall shroud pile drivers or be erected in a manner to shield the adjacent land uses. Such noise control blanket barriers can be rented and quickly erected;
- If impact pile driving is proposed, foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile. Pre-drilling foundation pile holes is a standard construction noise control technique. Pre-drilling reduces the number of blows required to seat the pile. Notify all adjacent land uses of the construction schedule in writing;
- Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the case of the noise complaint (e.g. starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. The telephone number for the disturbance coordinator at the construction site will be posted and included in the notice sent to neighbors regarding the construction schedule.

Traffic from the revised project would contribute to noise increases on roadways in the North San José area, which would result in significant and unavoidable impacts at some noise-sensitive receptors. This impact was identified in the certified 2011 Envision San José 2040 General Plan FPEIR and the City Council adopted a statement of overriding consideration for the impact.

However, with the implementation of the above standard project conditions, the revised project would not result in any new or more significant noise impacts than were described in the NSJ FPEIR and the Envision San José 2040 General Plan FPEIR, and Addenda thereto.

Population and Housing

The existing population and housing setting has not changed substantially since the preparation of the NSJ FPEIR and the Envision San José 2040 General Plan FPEIR, and addenda thereto. The revised project is an employment use consistent with the jobs goals of the 2005 North San Jose Development Policy Update and would not result in any new or more significant population growth and/or housing impacts than were described in the NSJ FPEIR and the Envision San José 2040 General Plan FPEIR, and Addenda thereto.

Public Services

The existing public services setting has not changed since the preparation of the NSJ FPEIR and the Envision San José 2040 General Plan FPEIR, and addenda thereto. All public services provided in San José are discussed in detail in the 2011 Envision San José 2040 General Plan FPEIR and NSJ FPEIR. There has been no change in the availability of services since the certification of the Envision San José 2040 General Plan FPEIR and NSJ FPEIR.

Consistent with the approved 2013 project, the current project would be constructed in conformance with current codes, including features that would reduce potential fire hazards. The project design would also be reviewed by the City of San Jose Fire Department to ensure that it incorporates appropriate safety features to minimize criminal activity. The project proposes industrial park/office/R&D use and would therefore not generate any new students, park users, or library users residing within the project site. Therefore, the revised project will not impact school, park, or library facilities in San José. For these reasons, the revised project would not result in any new or more significant impacts to public services or facilities than those addressed in the NSJ FPEIR and the Envision San José 2040 General Plan FPEIR, and Addenda thereto.

Recreation

The existing parking and recreation facilities in the project area has not changed since the preparation of the NSJ FPEIR and the Envision San José 2040 General Plan FPEIR, and addenda thereto. The project proposes office/R&D use and would not generate a residential population that would increase demands on park and recreation facilities. The project would not result in any new or more significant impacts to parks and facilities than those addressed in the NSJ FPEIR and the Envision San José 2040 General Plan FPEIR, and Addenda thereto.

Transportation/Traffic

The transportation system in the project area, including regional and local roadways, bicycle and pedestrian facilities, and existing transit services (i.e., bus and light rail services) has not changed substantially since the certification of the of the NSJ FPEIR and the Envision San José 2040 General Plan FPEIR, and addenda thereto. The 2013 Addendum concluded that the approved project, with the implementation of standard project conditions including payment of traffic impact fees to help fund the construction of necessary transportation improvements, would not result in new or more

significant impacts to the transportation system than those addressed in the certified 2005 NSJ FPEIR.

Vehicular access to the 16.7-acre parcel on which Buildings B, C, and D are proposed would be provided by one driveway on Brokaw Road, one driveway on Bering Drive, and one driveway Devcon Court. Pedestrian pathways and elevated walkways would extend throughout the site and connect the proposed buildings. The proposed eight-level parking garage would provide 1,860 parking spaces. An additional 160 surface parking spaces would be provided throughout the site, for a total of 2,020 parking spaces. The project also proposes 130 bicycle parking spaces and provides 36 motorcycle spaces.

Consistent with the approved project, the revised project would contribute to the significant unavoidable traffic impacts resulting from the North San Jose Development Policies Update as disclosed in the 2005 NSJ FPEIR. Development of the 16.7-acre parcel with Buildings B, C, and D (611,535 s.f.) falls under the provisions of the North San José Area Development Policy and is subject to the Deficiency Fee per the policy. These fees will be used to fund construction of a series of transportation improvements identified concurrent with Phase 1 in the 2005 NSJ Final EIR.

As with the approved 2013 project, the revised project would include TDM measures as required in the NSJ FPEIR to reduce air pollution emissions. Relevant TDM measures include the provision of bike and pedestrian facilities, implementation of carpool/vanpool programs, and use of various transit and other non-auto incentive programs for employees.

Additionally, the Valley Transportation Authority (VTA) in conjunction with the City of San Jose is currently developing the plan for US-101/Zanker Road project which is a NSJADP mitigation. The US-101/Zanker Road project is currently in the environmental phase with a target completion year of 2024. The improvements for US-101/Zanker Road project will include an overcrossing over US-101 that will connect Zanker Road to Skyport Drive and Fourth Street; and on and off-ramp on US-101 to Bering Drive and Zanker Road.

Bering Drive with the planned off and on-ramp on US-101 is planned to be 75 feet curb to curb width. The preliminary plan shows 2 southbound through lanes, 2 northbound left-turn lanes, one northbound through lane and two northbound right turn at the south leg of the intersection of Brokaw and Bering. The project will be dedicating an additional 20 feet along Bering Road for the transportation project for a total of 41 feet along the project frontage.

Standard Project Conditions

The project proposes to implement the following standard project conditions:

- The proposed project shall comply with the City's *North San José Area Development Policy* and Deficiency Plan Fee.
- Consistent with the NSJ FPEIR, the proposed project is required to pay a traffic impact fee (TIF). The TIF for 2,025,000 square feet of office development (approved project), was paid by the project consistent with the approved development permit (H13-040) and no additional TIF will be required for the revised project.

Additionally, the project will be subject to the following specific project conditions for the current phase:

1. Modify existing traffic signal at Brokaw Road/Bering Drive to accommodate an eight phase traffic signal.
2. Construct a dedicated eastbound right-turn pocket on Brokaw Road/Bering Drive.
3. Lengthen the existing eastbound left-turn pocket on Brokaw Road/Bering Drive to allow for a 300-foot queue storage.
4. Revise striping on the northern leg of the intersection to provide southbound thru-right lane, dedicated south bound left-turn lane, and northbound lane (receiving lane).
5. Construct 12' sidewalk and 76-feet of curb-to-curb width along Bering Drive project frontage.
6. Construct two west bound left-turn lanes on Brokaw Road/Bering Drive.
7. The City will reimburse the project for right-of-way that is beyond the original right-of-way dedication and beyond any additional improvements at the intersection of Brokaw Road/Bering Drive and Bering Drive as conditioned in the H13-040 planning permit. The City and the project shall agree on the reimbursement amount prior to the approval of the public improvement permit.

With implementation of the conditions described above, the revised project would not result in any new or more significant utilities impacts than were previously identified in the NSJ FPEIR and the Envision San José 2040 General Plan FPEIR, and Addenda thereto.

Utilities and Service Systems

The water, sanitary sewer, storm drainage, solid waste, natural gas, and electricity services and facilities serving the project area have not changed since the certification of the of the NSJ FPEIR and the Envision San José 2040 General Plan FPEIR, and addenda thereto. Consistent with the approved project, the revised project proposes to connect to an existing water main serving the site and surrounding area. Implementation of the approved project would generate increased water demand from the approximately 2,025,350 s.f. of new development proposed. The proposed Buildings B, C, and D (611,535 s.f. in total) on the 16.7-acre parcel are reflected in the total of new development proposed under the approved project. The NSJ FPEIR concluded that both San José Water Company and the San José Municipal Water System (SJMWS) would be able to provide water service to all future development allowed under the North San José Development Policies Update, which includes the revised project. The revised project will not result in any new or more significant impacts to the water supply than were previously identified in the NSJ FPEIR.

The 2013 Addendum disclosed that implementation of the approved project would generate increased wastewater from the 2,025,350 square feet s.f. of new development. At full build out, the North First & Brokaw Corporate Campus project is anticipated to generate 276,970 gallons per day. The proposed Buildings B, C, and D (Approximately 611, 535 s.f.) on the 16.7-acre parcel are reflected in the total of new development proposed under the approved 2013 project. Consistent with the approved project, the additional wastewater generated by Buildings B, C, and D has been accounted for in the overall North San Jose Development Policies Update's 5,214,750 gallons per

As with the approved project, and described in Section 4.1.9, the development of the 16.7-acre parcel with Buildings B, C, and D would include design measures to control the volume of storm runoff and protect water quality.

Implementation of the approved project would result in a net increase of solid waste generated on the project site. The NSJ FPEIR concluded that there is sufficient capacity in the existing solid waste disposal facilities serving San José to accommodate waste generated by the development approved under the North San José Development Policies Update, which includes the approved and revised project. As a result, implementation of the revised project would not result in any new or more significant impacts to solid waste collection and disposal than were previously identified in the NSJ FPEIR.

The revised project would implement the following standard conditions.

Standard Project Conditions

- Ensure storage area is large enough to accommodate both garbage and recycling containers. The minimum enclosure size to accommodate two three cubic yard bins is 11.5 feet by eight feet with an additional eight feet in front for the concrete service pad.
- Ensure enclosure has enough capacity, or frequency of collection for garbage and recycling, to accommodate site operations.
- Ensure proper hauler access to solid waste containers. Validate width of driveway and vehicle turning radius. Enclosure areas must be accessible by garbage/recycling trucks by providing minimum 22-foot-wide driveways and a 50-foot turning radius for collection vehicles unless other waste management practices will be implemented.
- Ensure that project demolition debris is properly recycled or disposed. Details on recycling construction waste are available through the Construction and Demolition Diversion Deposit (CDDD) incentive program. Information is available at:
<http://www.syrecycles.org/construction-demolition/cddd.asp>.
- The proposed commercial development must follow the requirements for recycling container space. When 30 percent or more of the original floor space is added to an existing building, provision must be made for the storage and collection of recyclables. Project plans must show the placement of recycling containers, for example, within the details of the solid waste enclosures.
- It is required that scrap construction and demolition debris be recycled instead of disposing of it in a landfill. An infrastructure exists within San Jose to accommodate such recycling efforts. Integrated Waste Management staff can provide assistance on how to recycle construction and demolition debris from the project, including information on where to conveniently recycle the material. Additional information can be found at <http://www.sjrecycles.org/construction-demolition/cddd.asp> or by contacting the Commercial Solid Waste Program at (408) 535-8550.

For these reasons, the revised project, would not result in any new or more significant utilities impacts than were previously identified in the NSJ FPEIR and the Envision San José 2040 General Plan FPEIR, and Addenda thereto.

SECTION 5.0 REFERENCES

City of San José. *Envision San José 2040 General Plan*.

City of San José. *Final Environmental Impact Report, North San José Development Policies Update*. June 2005.

City of San José. *Final Supplemental Program Environmental Impact Report (Final Supplemental PEIR) for the Envision San José 2040 General Plan*. November 2015.

City of San José. North San José Area Development Policy. February 2012.

H.T. Harvey & Associates. *Santa Clara Valley Habitat Plan Burrowing Owl Habitat Survey Report*. June 2018.



H. T. HARVEY & ASSOCIATES

Ecological Consultants

June 20, 2018

Natalie Noyes
David J. Powers & Associates
1611 Telegraph Avenue Suite 1002
Oakland, CA 94612

RE: Brokaw and Bering – June 2018 Santa Clara Valley Habitat Plan Burrowing Owl Habitat Survey
Report (HTH #3506-04)

Dear Ms. Noyes:

Per your request, H. T. Harvey & Associates has conducted the first of two breeding-season habitat surveys for burrowing owls (*Athene cunicularia*) on the approximately 16.8-acre vacant parcel (APN #237-17-072) located east of the intersection of North First Street and East Brokaw Road in San José, California. This survey was conducted for compliance with the Western Burrowing Owl Habitat Survey requirement in Condition 15 of the Santa Clara Valley Habitat Plan (VHP), and for submittal with the Project's VHP Application. Burrowing owl habitat surveys were previously completed on the site in 2013, and the purpose of our current survey was to update the 2013 survey results to reflect existing site conditions.

Survey Methods

H. T. Harvey & Associates wildlife ecologist Stephen Peterson, M.S., conducted a breeding-season habitat survey on the project parcel earlier today (June 20, 2018) per the methodologies provided in the California Department of Fish and Wildlife's (CDFW's) *2012 Staff Report on Burrowing Owl Mitigation*, as cited in Condition 15 of the VHP. Stephen has conducted surveys for burrowing owls according to CDFW guidelines at numerous sites in Santa Clara, Alameda, Contra Costa, San Luis Obispo, and San Bernardino Counties. In addition, he has conducted numerous burrowing owl surveys in northern Utah, southeastern Montana, and throughout North and South Dakota. Stephen has observed over 100 individual burrowing owls in the field, including nesting pairs; chicks; and individual roosting, wintering, and foraging owls. He has observed numerous active owl burrows with signs of owl use (e.g., wash, feathers, and pellets), and has spent many hours in the field monitoring the behavior of nesting burrowing owls. Thus, he is highly qualified to conduct this survey.

During the survey, Stephen walked transects throughout the project parcel, as well as all potential habitat areas within 250 feet of the parcel, looking for owls and evidence of recent owl occupation at burrows (e.g., whitewash, pellets, feathers, and/or prey remains). These transects were spaced no more than 50 feet apart,

and varied in width to account for changes in terrain and vegetation to ensure that complete visual coverage of the survey area was achieved. In addition, Stephen mapped all burrows of California ground squirrels (*Otospermophilus beecheyi*) within the survey area, per the requirements of Condition 15.

Survey Results

Stephen did not detect any burrowing owls or signs of burrowing owl occupation of burrows during the survey. However, he observed and mapped suitable burrowing owl roosting/nesting habitat (i.e., burrows of California ground squirrels). Most of the burrows on the parcel looked to be freshly excavated and/or maintained and occupied by ground squirrels. The locations of ground squirrel burrows that were mapped during this survey are provided on Figure 5 (numbered as such in accordance with the VHP Application). Per Condition 15 of the VHP, although no owls were detected during this survey, the presence of California ground squirrel burrows on the site indicates that the project parcel provides potentially suitable nesting and roosting habitat for burrowing owls that is consistent with habitat used by burrowing owls elsewhere in the South Bay.

Additional VHP Requirements

Today's survey is the first of two habitat surveys required by Condition 15 of the VHP. We will conduct a second survey during the non-breeding season (i.e., September 1 through January 31) to complete this requirement. An updated version of Figure 5 will be provided with the results of this survey.

Project development will result in the permanent loss of approximately 16.8 acres of ruderal grassland habitat (i.e., grain, row crop, hay and pasture, disked/short-term fallowed, as mapped in 2013 for the project's VHP application) that is ostensibly suitable for use as breeding, roosting, and foraging habitat for burrowing owls. VHP burrowing owl impact fees would apply to this habitat throughout the project parcel.

The project will avoid impacts on individual burrowing owls, including nests with eggs and young, through the implementation of the avoidance and minimization measures provided in Condition 15 of the VHP. These measures include preconstruction surveys, which will be conducted by a qualified biologist to determine whether burrowing owls are present on the site or within 250 feet prior to the start of project construction, and, if burrowing owls are determined to be present, implementation of a 250-foot non-disturbance buffer around all occupied owl burrows during construction activities. If construction activities will occur outside this buffer during the breeding season, prior to the onset of project activities the applicant will develop an avoidance, minimization, and monitoring plan, containing the measures required by the VHP pertaining to monitoring of the owls' behavior before and during construction, for review by the Santa Clara Valley Habitat Agency and the wildlife agencies. During the non-breeding season, construction activities may proceed and the owl burrow removed if a qualified biologist determines that the owls are gone for at least one week. If owls remain on the site during the non-breeding season, and the applicant wishes to perform

construction activities outside the 250-foot buffer, then the measures described in the VHP pertaining to monitoring of the owls' behavior before and during construction will be implemented.

According to the VHP, passive relocation of burrowing owls would not be allowed until the positive growth trend described in Section 5.4.6 of the VHP is achieved. However, the VHP includes a process by which an applicant can request an exemption to this prohibition if the project could not proceed due to the avoidance measures required by the VHP. If owls are found on the site during preconstruction surveys, and their persistence on the site precludes construction of the project, the applicant may apply for such an exception through the City of San José.

Please feel free to contact me at rcarle@harveyecology.com or (408) 458-3241 if you have any questions about our survey results. Thank you very much for contacting H. T. Harvey & Associates about this project.

Sincerely,

A handwritten signature in blue ink that reads "Robin Carle". The signature is written in a cursive, flowing style.

Robin Carle
Project Manager – Senior Wildlife Ecologist

Attachment: Figure 5. Burrow Locations



Figure 5. Ground Squirrel Burrow Locations
 Brokaw and Bering Burrowing Owl Habitat Survey Report (3506-04)
 June 2018



N:\Projects\3506\3506-04\Reports\Fig 5 Ground Squirrel Burrow Locations.mxd



HEXAGON TRANSPORTATION CONSULTANTS, INC.

May 21, 2018

Mr. Ken Rodrigues
Kenneth Rodrigues & Partners
445 N. Whisman Road, Suite 200
Mountain View, CA 94043

Re: First & Brokaw Transportation Mitigation Analysis

Dear Mr. Rodrigues:

Hexagon has reviewed the conditions of approval for the First & Brokaw office development (H13-040) with respect to transportation improvements. The purpose of this letter is to report on the improvements necessary for Phase 2 of the development. The project is located south of Brokaw Road between First Street and Bering Drive and was approved for 2.025 million square feet of office space. We understand that Phase 1 of the project, consisting of 120,000 square feet has been completed, and Phase 2 is now proposed for 600,000 square feet.

There were a number of transportation improvements required of the project, which are spelled out in the conditions of approval. Hexagon has reviewed those improvements to see which are necessary to support office development of 720,000 square feet after completion of Phases 1 and 2. The attached table lists the required transportation improvements and denotes which are required now and which can be put off until later phases of the project. The improvements also are described below.

1. Brokaw & Bering: Modify traffic signal to 8 phase. This will be necessary to accommodate the number of left turns that will occur from northbound Bering Drive to westbound Brokaw Road.
2. Brokaw & Bering: Add a second westbound to southbound left turn pocket. The Phase 2 development will not generate enough traffic to warrant double left turn lanes.
3. Widen Bering Drive by 21 feet to a width of 65 feet (curb-to-curb). This might not be necessary for the traffic volume of Phase 2, but since Phase 2 is developing the west side of Bering Drive, now is the time to set the curb line in the proper location.
4. Add a right turn lane on Brokaw Road from the US101 off-ramp to Bering Drive. This also might not be necessary for Phase 2 traffic, but since Phase 2 is developing the south side of Brokaw Road, now is the time the set the curb line.
5. Brokaw & Bering: lengthen the eastbound left turn pocket to 300 feet. This is necessary to serve the Phase 2 traffic.
6. Brokaw & Bering: revise the striping on the north leg. This is necessary to implement the 8-phase signal operation.
7. Remove the existing median on Bering Drive. This needs to be done to add the two northbound left turn lanes.
8. Bering & Devcon: install a traffic signal. This does not need to be done with Phase 2. It is unlikely a signal warrant would be met.
9. Bering & Devcon: add a northbound left turn pocket. Phase 2 would not add enough left turns to warrant a turn pocket.



Mr. Ken Rodrigues
May 21, 2018
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First and Brokaw Development Phase 2 Improvements

Location	Improvement	Required for Phase 2?
Intersection of E. Brokaw Road & Bering Drive	Modify existing traffic signal to accommodate an eight phase traffic signal	Yes
	Construct two 10-foot westbound left-turn pockets	No
	Widen south leg of intersection (Bering Drive) by approximately 21 feet	Yes
	Construct a dedicated eastbound right-turn pocket along Brokaw Road	Yes
	Lengthen the existing eastbound left-turn pocket on Brokaw Road to allow for a 300-foot queue storage	Yes
	Revise striping on the northern leg of the intersection for 8-phase signal	Yes
	Remove existing median island on Bering Drive	Yes
Intersection of Bering Drive and Devcon Court	Installation of a traffic signal at the proposed main entrance to the development	No
	Provide a left-turn pocket on Bering Drive south	No

There were other improvements listed in the conditions of approval for the First & Brokaw development project, but they were denoted as recommended and not required. Hexagon believes that the improvements listed in the table and described above are what are needed at this time.

We appreciate the opportunity to review the Phase 2 improvements. If you have any questions, please do not hesitate to call.

Sincerely,
HEXAGON TRANSPORTATION CONSULTANTS, INC.

Gary K. Black
President